

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|---------------------------|---|---------------------|
| ----- | X | |
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| MIGUEL DIAZ, | : | |
| | : | |
| Petitioner, | : | 21 Civ. 5452 (LGS) |
| | : | |
| -against- | : | |
| | : | <u>ORDER</u> |
| SUPERINTENDENT EARL BELL, | : | |
| | : | |
| Respondent. | : | |
| ----- | X | |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on May 26, 2021, Petitioner filed a pro se petition for habeas relief pursuant to 28 U.S.C. § 2254 (the “Petition”);

WHEREAS, by Order dated June 23, 2021, this matter was referred to Magistrate Judge James L. Cott for Habeas Corpus;

WHEREAS, on April 28, 2022, Judge Cott issued a Report and Recommendation (the “Report”), recommending that the Petition be dismissed in its entirety;

WHEREAS, as stated in Judge Cott’s Report, the deadline for any objections was fourteen days from service of the Report;

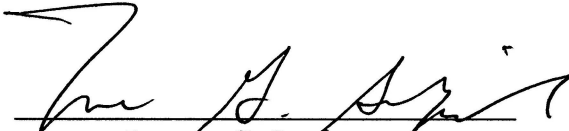
WHEREAS, no timely objection was filed;

WHEREAS, in reviewing a Magistrate Judge’s report and recommendation, a District Judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment; *accord Anderson v. Comm’r of Soc. Sec.*, No. 20 Civ. 6462, 2022 WL 925070, at *1 (S.D.N.Y. Mar. 29, 2022);

WHEREAS, the Court finds no clear error on the face of the record. It is hereby

ORDERED that the Report is ADOPTED and the Petition is DENIED. The Clerk of Court is respectfully directed to close the case and mail a copy of this Order to Pro se Petitioner.

Dated: June 6, 2022
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE